

AO 91 (Rev. 11/11) Criminal Complaint

s/ Danielle M. Connolly 11/06/2023

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America)

v.)

SHAWN DAVID MORGAN,)

Case No. M-23-913 -AMG)

)

)

)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of October 22, 2023, in the county of Lincoln in the
Western District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in Possession of Ammunition

This criminal complaint is based on these facts:

See attached Affidavit of Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent David J. McCauley, Jr., which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


 Complainant's signature
 David J. McCauley, Jr., Special Agent (ATF)
 Printed name and title

Sworn to before me and signed in my presence.

Date:

11/6/2023


 Judge's signature

City and state: Oklahoma City, Oklahoma

AMANDA MAXFIELD GREEN, U.S. Magistrate Judge
 Printed name and title

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

I, David J. McCauley, Jr., having been duly sworn, depose and state as follows:

2. I have been assigned to the ATF Oklahoma City Field Office since December 2018. I am familiar with the information contained in this Affidavit through personal investigation and/or information received from other law enforcement officers, mentioned herein, who have participated in and/or have contributed documentary reports of their investigative efforts in this matter. This Affidavit contains information necessary to support the Complaint and is not intended to include every fact or matter observed or known by me.

3. This Affidavit is presented for the limited purpose of seeking a federal Complaint and arrest warrant for **SHAWN DAVID MORGAN (MORGAN)**, a male with

the date of birth xx/xx/1992. This Complaint and arrest warrant are sought for **MORGAN's** violation of Title 18, United States Code, Section 922(g)(1).

FACTS SUPPORTING PROBABLE CAUSE

4. An investigation conducted by ATF Special Agent David McCauley revealed that **MORGAN**, a previously convicted felon, possessed ammunition in Lincoln County, Oklahoma.

5. **MORGAN's** criminal record includes the following felony convictions:

- a. attempted burglary in the second degree in Cleveland County District Court case number CF-2018-1031; and
- b. endangering others while eluding/attempting to elude police officer in Pottawatomie County District Court case number CF-2021-97.

6. On November 2, 2023, ATF SA McCauley was contacted by Lincoln County Sheriff's Office (LCSO) Investigator Chuck Brewer in reference to a burglary involving firearms that occurred in Lincoln County on October 22, 2023, at 890483 South 3390 Road in Chandler, Oklahoma.

7. Inv. Brewer advised that on October 22, 2023, at approximately 12:17 p.m., LCSO deputies were dispatched to 890483 South 3390 Road in reference to a reported burglary. The owner of the property, Sam Navarro—who operates Navarro Marijuana Grow there—advised that he received notice that an alarm on the back door of a building on the property had been triggered. He said that he responded to his property and upon arrival observed that the lock to his front gate had been shot off.

8. Mr. Navarro met responding LCSO deputies at the gate to his property. He advised that he had left the property approximately an hour prior and that no one should be

there. Mr. Navarro pointed to the gate and stated the lock was shot off. Deputies observed the lock laying on the ground with what appeared to be a bullet hole in the gate hinge where the lock was supposed to be attached, as well as a spent casing on the ground near the front gate lock that were later found to be .223 caliber.

9. Deputies drove from the gate up to the grow facility where they observed a camper with an open door. They cleared the camper and determined that no one was inside, however, the glass window on the door was found to have been shattered. The deputies then walked around the grow facility, where they observed that the back door had been shot near the handle/lock area as well. They observed approximately five spent casings on the ground near the door, which were also found to be .223 caliber and an additional three spent casings near the inside door of the grow that secured the marijuana that were also found to be .223 caliber.

10. Mr. Navarro advised that marijuana and tools were missing from the facility. He allowed deputies to view surveillance video recorded on both the interior and exterior of his property during the suspected time of the burglary, on which they observed a white male armed with an AR-style firearm and a black male carrying a pistol.

11. Deputies began to search the area in attempt to locate anyone walking or driving nearby. While driving down an oil lease road on the property, they observed marijuana lying beside the roadway with vehicle tracks proceeding westbound through the grass. They followed the tracks west from the roadway and then turned north following a highline right of way headed towards 890 Road.

12. While continuing the search, deputies observed a 2004 blue/gray BMW 545 sedan bearing Oklahoma license plate MON753 stopped going up a hill, apparently stuck; the front driver and passenger doors were open, as was the trunk. Deputies observed a white male walking around the vehicle near the back driver's side tire before moving to the front passenger door. The white male continued to walk around the vehicle, pacing back and forth. The deputies also observed a black male in the driver's seat, who then exited the vehicle and walked to the passenger side of the vehicle, picking up the AR-style rifle. As additional units arrived on scene and the suspects noticed law enforcement, they fled from the area near the vehicle into the fields and tree lines.¹

13. Inv. Brewer arrived on scene and approached the BMW sedan, inside of which he observed in plain view through the open doors and windows a large quantity of marijuana and marijuana products in tubs in the rear seat of the vehicle labeled "Navarro Marijuana Grow." Deputies impounded the vehicle, and it was maintained in secured storage at LD's Wrecker Service at 341723 E. Highway 66 in Chandler, Oklahoma, pending the receipt and execution of a search warrant.

14. Investigators determined that the vehicle was registered to Roderick Burdine in Prague, Oklahoma. On October 23, 2023, Inv. Brewer spoke with a person who identified herself as Roderick Burdine's mother and advised that he no longer possessed the BMW as it had been awarded to her son's former wife, Kristy Burdine, during divorce proceedings approximately three years prior. She also stated that she believed that Kristy Burdine had given the vehicle to her brother, **Shawn**.

¹ The second individual was apprehended in the area soon thereafter.

15. Investigators determined that Kristy Burdine's brother, "**Shawn**," is **Shawn MORGAN**, with whom they were familiar due to prior law enforcement interactions, including investigations into prior marijuana grow burglaries in Lincoln and surrounding counties. Deputies on scene confirmed that the description of the white male with the rifle matches that of **MORGAN**.

16. On October 24, 2023, LCSO deputies executed a search warrant on the BMW, in which they located approximately 26.5 pounds of marijuana and marijuana products bearing "Navarro Marijuana Grow" tags. They also located items of dominion and control for **MORGAN**, including documents in his name within a black Batman backpack. Also, inside the backpack, they found approximately 100 rounds of .223 caliber ammunition, consistent with the spent casings recovered from near the destroyed locks.² Deputies also located clothing including hats and gators consistent with those worn by the two individuals recorded on the surveillance video mentioned *supra*.

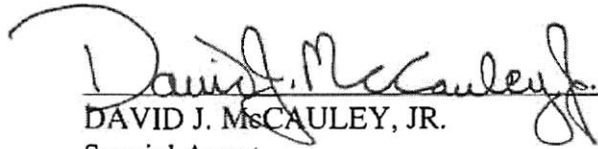
17. On November 6, 2023, ATF Special Agent Brenden Taylor, a Firearms Interstate Nexus Examiner, examined a portion of the ammunition seized from **MORGAN's** backpack and determined that it is Lake City .223 caliber ammunition.³ Based upon SA Taylor's training and experience, it is his opinion that the ammunition was

² They also located a Smith & Wesson, model SD9, 9mm caliber pistol, bearing serial number FCZ7382.

³ SA Taylor examined the spent casings from the scene of the burglary and determined that they are Lake City .223 caliber ammunition as well. It is his opinion that this ammunition was also not manufactured in Oklahoma and therefore crossed state lines to reach Oklahoma, thereby affecting interstate commerce.

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18. Based upon the aforementioned facts and circumstances, I believe that probable cause exists that on or about October 22, 2023, within the Western District of Oklahoma, **SHAWN DAVID MORGAN**, a previously convicted felon, possessed ammunition, in violation of 18 U.S.C. § 922(g)(1).


DAVID J. McCAULEY, JR.
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn and subscribed before me this 6th day of November, 2023.


AMANDA MAXFIELD GREEN
U.S. MAGISTRATE JUDGE